

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

REMARKS/ARGUMENTS

Claims 1-55 are pending in the present application.

This Amendment is in response to the Office Action mailed March 9, 2007. In the Office Action, the Examiner rejected claims 1-55 under 35 U.S.C. §103(a). Applicants have amended claims 1, 3-6, 8-9, 11-13, 16, 20, 27, 29, 34, 38, 41, and 46. Reconsideration in light of the amendments and remarks made herein is respectfully requested.

Response to the Examiner's arguments

1) In the Office Action, the Examiner contends that one of ordinary skill in the art would reasonably expect the combination of Plotnick, Lafer, and Roop to succeed because (i) all three systems are directed toward data manipulation in a multimedia network, and (ii) managing the use of metadata taught by is a typical step found in multimedia distribution networks (Office Action, page 3, lines 5-11). Applicant respectfully disagrees for the following reasons.

First, although Plotnick, Lafer, and Roop may have disclosed some aspects of data manipulation in a multimedia network, none of them discloses the specific elements in the claimed invention such as the multimedia asset data file being delivered to end users upon requested, validating the multimedia asset data file and the associated metadata by determining if the multimedia asset data file and the associated metadata comply with business rules provided by the MSO, coordinating delivering the multimedia asset data file and associated metadata to a video-on-demand ("VOD") server maintained by the MSO, tracking distributing the multimedia asset data file from the content provider to the MSO, tracking uploading the multimedia asset data file from the MSO to the VOD server; and providing usage reports relating to usage of multimedia asset data files by end users of the MSO.

Second, as argued in the previous response and further argued in the present response, none of the cited excerpts discloses the specific elements in the claimed invention as will be discussed below.

2) The Examiner contends that Plotnick discloses receiving metadata, coordinating uploading associated metadata to a VOD server, and providing usage reports. The Examiner cites numerous excerpts in Plotnick to support the Examiner's contention. Applicant submits

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

that these excerpts do not contain the alleged limitations. For ease of reference, these excerpts are copied under the section "Rejection Under 35 U.S.C. §103" below.

As seen from the excerpts, Plotnick merely discloses control data related to ads (ad metadata) 1006 (Plotnick, paragraph [0154], lines 9-11), not multimedia asset data file being delivered to end users when requested. Plotnick specifically teaches that ad metadata is associated with the related advertisements (Plotnick, paragraph [0155], lines 10-11). In contrast, the claimed invention provides for receiving metadata associated with a multimedia asset data file. The multimedia asset data file is feature content such as a feature file (e.g., movie), a preview file, a graphics file, etc. These files are delivered to the end users as requested. Advertisements are not feature files requested by the end users. To clarify this aspect of the invention, claim 1 has been amended.

In addition, Plotnick merely discloses a video dial tone gateway 426 can present the subscriber with a menu for services which can guide the subscriber through the sources for video (content providers) (Plotnick, paragraph [0115], lines 12-14), not a content provider providing the metadata associated with a multimedia asset data file. Guiding the subscriber through the sources for video merely allows the subscriber to find out who provides the video. In contrast, the claimed invention provides for receiving the metadata and the multimedia asset data file. Receiving is a specific and active act of receiving the metadata while guiding the subscriber through the sources does not indicate a transmission of metadata and/or multimedia asset data file to a receiving end being taking place.

Furthermore, Plotnick merely discloses a communications module 804 handles the interactions with the server side ad management system 700, uploading and downloading data as required for system operation (Plotnick, paragraph [0150], lines 2-5), not coordinating delivering. The uploading and downloading of data in Plotnick's system merely refer to incorporate targeted ads into television programs (Plotnick, paragraph [0150], lines 5-7). In contrast, the claimed invention provides for coordinating delivering the multimedia asset data file and associated metadata to a VOD server maintained by the MSO. To clarify this aspect of the invention, claim 1 has been amended.

Moreover, Plotnick merely discloses a traffic and billing system 712 manages the advertising campaign and controls advertising campaigns for broadcast systems, personal video

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

recorders, and video on demand (Plotnick, paragraph [0169], lines 1-4). Managing the advertising campaigns does not provide usage reports relating to usage of multimedia asset data files by end users of the MSO. As discussed above, an advertisement is not a multimedia asset data file requested by an end user. Furthermore, viewership ratings, frequency of viewership by the target audience, or advertisement availability does not relate to usage.

The Examiner further contends that Lafer teaches associated with a multimedia asset data file, citing (Lafer, col.2,lines 7-11); coordinating uploading the multimedia asset data file, citing (Lafer, col.5, lines 41-43; col. 9, lines 65-67; col. 2,lines 7-11); scheduling the uploading of the multimedia asset data file, citing (Lafer, col.7, lines 53-56; col. 9, lines 65-67; col. 2, lines 7-11); tracking the uploading of the multimedia asset data file, citing (Lafer, col.6, lines 42-43; col. 9, lines 65-67; col. 2, lines 7-11) (Office Action, paragraph number 5, page 4, lines 13-22). Applicant respectfully disagrees and submits that none of the above excerpts discloses the limitations. For case of reference, the above excerpts are copied under the section "Rejection Under 35 U.S.C. §103" below.

As seen from the excerpts, Lafer merely discloses identifying information associated with each multimedia asset data file (Lafer, col. 2, lines 7-11), not metadata associated with a multimedia asset data file. Identifying information merely identifies the multimedia asset data file. In contrast, metadata associated with the multimedia asset data file include data that characterize the asset data file such as name, description, the MSOs scheduled to receive the file, target ship date, actual ship date, and delivery method, etc. (See, for example, Specification, page 11, lines 15-22.).

In addition, Lafer merely discloses a tracking function that records the assets authored into each composite (Lafer, col. 6, lines 42-43), not tracking distributing the multimedia asset data file from the content provider to the MSO, or tracking uploading the multimedia asset data file from the MSO to the VOD server. Lafer's tracking function merely provides the low level configuration information needed to: validate copyrights for an application, correctly install a composite and its assets on a deployment platform and perform impact analysis when assets need to be changed or removed from the database. (Lafer, col. 6, lines 43-48). None of these is related to distributing the multimedia asset data file or uploading the multimedia asset data file to a

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

VOD server. Validating copyrights, installing a composite, or performing impact analysis does not distribute or upload a multimedia asset data file.

The Examiner further contends that Roop teaches the use of multiple service operators, citing (Roop, col. 67, lines 62-63; col. 44, lines 55-57) (Office Action, paragraph number 5, page 5, lines 15-18). As argued in the previous response, none of these excerpts relates to an MSO transmitting metadata or multimedia asset data file or maintaining a VOD server. For ease of reference, the above excerpts are copied under the section "Rejection Under 35 U.S.C. §103" below.

As seen from the excerpts, Roop merely discloses a television program schedule having an RG record that contains a field identifying an MSO (Roop, col. 67, lines 60-67; col. 68, lines 1-5). Having a record that contains an MSO name does not coordinate delivering, track distributing, or track uploading. A name in a record is a static entity, not an action. The excerpt at col. 44, lines 55-57 merely discloses the Channel Data is maintained in the Internal Database Engine data structure, which has nothing to do with an MSO because a data structure is a computer implemented storage, not an entity, a business, or an organization like an MSO.

Applicant believes that many of the issues have been addressed in the previous response. Where a claim is refused for any reason relating to the merits thereof it should be "rejected" and the ground of rejection fully and clearly stated. See MPEP 707.07(d). Where the applicant traverses an objection, the Examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it. See MPEP 707.07(f). An omnibus rejection of the claim "on the reference and for reasons of record" is stereotyped and usually not informative and should therefore be avoided. See MPEP 707.07(d). It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to reply. See MPEP 706.02(j).

The Examiner repeated many of the rejections without taking note of the Applicant's arguments and without answering the substance of Applicant's arguments as presented in the previous response. The MPEP requires that the Examiner's action will be complete as to all matters. 37 CFR 1.104; MPEP 707.07. Since the Examiner's action in the Office Action is incomplete in that there is no answer to the substance of Applicant's arguments previously presented, the rejections have been improperly made.

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

Rejection Under 35 U.S.C. § 103

In the Office Action, the Examiner rejected claims 1, 2, 4, 5, and 15-24 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2002/0144262 issued to Plotnick et al. ("Plotnick") in view of U.S. Patent No. 5,748,956 issued to Lafer et al. ("Lafer") and further in view of U.S. Patent No. 6,216,265 issued to Roop et al. ("Roop"); claim 3 under 35 U.S.C. §103(a) as being unpatentable over Plotnick, Lafer, and Roop as applied to claim 1 above, and further in view of U.S. Patent No. 7,058,685 issued to van Zee et al. ("van Zee"); claims 6 and 7 under 35 U.S.C. §103(a) as being unpatentable over Plotnick, Lafer, and Roop as applied to claim 1 above, and further in view of U.S. Patent No. 6,850,252 issued to Hoffberg ("Hoffberg"); claim 8 under 35 U.S.C. §103(a) as being unpatentable over Plotnick, Lafer, and Roop as applied to claim 1 above, and further in view of Hoffberg and N2Broadband ("Creating Scalable Solutions for VOD...and Beyond"); claims 9-11, and 14 under 35 U.S.C. §103(a) as being unpatentable over Plotnick, Lafer, and Roop as applied to claim 1 above, and further in view of N2Broadband; claims 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Plotnick, Lafer, and Roop and N2Broadband as applied to claim 11 above, and further in view of Hoffberg; claims 25-27, 31, and 32 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0028890 issued to Swart et al. ("Swart") and U.S. Publication No. 2001/0025255 issued to Gaudian ("Gaudian") and further in view of Roop; claim 28 and 29 under 35 U.S.C. §103(a) as being unpatentable over Swart, Gaudian, and Roop as applied to claim 25 above, and further in view of U.S. Publication No. 2003/0115454 issued to Piikivi et al. ("Piikivi"); claim 30 under 35 U.S.C. §103(a) as being unpatentable over Swart, Gaudian and Roop as applied to claim 25 above, and further in view of U.S. Patent No. 5,710,887 issued to Chelliah et al. ("Chelliah") and U.S. Patent No. 5,488,714 issued to Skidmore ("Skidmore"); claims 33 and 35 under 35 U.S.C. §103(a) as being unpatentable over Swart and Gaudian as applied to claim 25 above, and further in view of Roop and N2Broadband; claims 34, 36, and 37 under 35 U.S.C. §103(a) as being unpatentable over Swart, Gaudian, Roop, and N2Broadband as applied to claims above, and further in view of Hoffberg; claims 38-40 under 35 U.S.C. §103(a) as being unpatentable over Swart and Gaudin as applied to claim 26 above, and further in view of Roop and Plotnick; claims 41-43 and 46-48 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,047,287 issued to Sim et al. ("Sim"), Swart, in view of Gaudian and

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

further in view of Roop; claims 44, 45, 49, and 50 under 35 U.S.C. §103(a) as being unpatentable over Sim, Swart, Gaudian and Roop as applied to the claims above, and further in view of N2Broadband; claims 51-54 under 35 U.S.C. §103(a) as being unpatentable over Sim, Swart, and Gaudian as applied to claim 46 above, and further in view of Roop and N2Broadband; and claims 55 under 35 U.S.C. §103(a) as being unpatentable over Sim, Swart, and Gaudian as applied to claim 46 above, and further in view of Hoffberg. Applicants respectfully traverse the rejections and submit that the Examiner has not met the burden of establishing a prima facie case of obviousness.

The Supreme Court in *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966), stated: "Under § 103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background, the obviousness or nonobviousness of the subject matter is determined." MPEP 2141. In *KSR International Co. vs. Teleflex, Inc.*, (No. 04-1350), in a decision handed down on April 30, 2007, the Supreme Court explained that "[o]ften, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue." (Slip Op. at 14. *Emphasis added.*) The Court further required that an explicit analysis for this reason must be made.

Applicant submits that the Examiner has not met the above burden and therefore a prima facie case of obviousness has not been established.

1. Claims 1, 2, 4, 5, and 15-24:

The Examiner rejected claims 1, 2, 4, 5, and 15-24 under 35 U.S.C. §103(a) as being unpatentable over Plotnick in view of Lafer and Roop (Office Action, page 8, paragraph number 11).

Plotnick discloses an alternative advertising in prerecorded media. A set-top box (STB) is used as an ad targeting system (Plotnik, paragraphs [0112]-[0123], [0150]). A communication module interacts with a server side ad management system to upload and download data as required (Plotnik, paragraph [0150]). The system establishes a link that associates the ad

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

metadata with the related advertisements (Plotnik, paragraph [0155]). The system includes head-end servers to deliver content and metadata to the set-top boxes (Plotnik, paragraph [0164]).

Lafer discloses a method and system for managing multimedia assets for proper deployment on interactive networks. Lafer discloses a system for managing multimedia assets for proper deployment on interactive networks. An asset management and production system (AMPS) provides a set of tools for managing multimedia assets (Lafer, col. 5, lines 40-43). The AMPS asset tracking function records the assets authored into each composite (Lafer, col. 6, lines 42-43).

Roop discloses a system and method for transmitting and utilizing electronic program guide information. A reception group (RG) descriptor has a number of fields. A cable system name field contains the name of the cable system and the multiple system operator (MSO) name (Roop, col. 67, lines 60-67; col. 68, lines 1-5).

Plotnick, Lafer, and Roop, taken alone or in any combination, do not disclose or render obvious, at least one of: (1) receiving metadata associated with a multimedia asset data file provided by at least one of a content provider and a multiple service or systems operator ("MSO"), the multimedia asset data file being delivered to end users upon requested; (2) validating the multimedia asset data file and the associated metadata by determining if the multimedia asset data file and the associated metadata comply with business rules provided by the MSO; (3) coordinating delivering the multimedia asset data file and associated metadata to a video-on-demand ("VOD") server maintained by the MSO, wherein coordinating delivering comprises (3a) tracking distributing the multimedia asset data file from the content provider to the MSO, and (3b) tracking uploading the multimedia asset data file from the MSO to the VOD server; and (4) providing usage reports relating to usage of multimedia asset data files by end users of the MSO.

Plotnick merely discloses a personal video recorder (PVC) management system which manages the recording of video content so that fast-forwarded advertisements may be replaced with alternative advertisements (Plotnick, paragraphs [0094], [0123]). In fact, Plotnick emphatically teaches that a personal video channel (PVC) is distinct from the VOD system in that the PVC recording is enabled so that users can request a particular program be stored (Plotnick, paragraph [0123]). Accordingly, Plotnick does not disclose or render obvious

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

coordinating delivering the multimedia asset data file and associated metadata to a VOD server maintained by an MSO.

Furthermore, Plotnick merely discloses ad queues as part of an ad management system on the PVRs (Plotnick, paragraph [0134]), not a multimedia asset data file provided by at least one of a content provider and a MSO. The ad targeting system is a software application that may be integrated into a PVR-enable set-top box (STB PVR). An ad insertion module 812 handles the processes necessary to incorporate target ads into television programs, including programs received in real-time or being played from the set-top box's hard disk (Plotnick, paragraph [0150]). Therefore, Plotnick system only functions after the content being delivered or uploaded.

The Examiner cited paragraphs [0150] and [0155] in Plotnick to support his arguments. However, these paragraphs merely discloses the client side STB targeting system 600 (Plotnick, paragraph [0150]) and the ad database 1014 (Plotnick, paragraph [0155]). None of these is related to uploading multimedia asset data file provided by at least one of a content provider and a MSO. For ease of reference, these excerpts are copied below.

[0155] The ads 1002 are filtered 1008 and the filtered ads 1012 are stored in an ad database 1014. The ad database 1014 resides in a large capacity long-term storage device, such as a hard disk. The control data 1006 is processed 1010 to generate ad queue structures 1016 that are stored in an ad queue database 1018. The ad queue database 1040 also stores the ad metadata 1006 received from the downstream control feed 1004. The ad queue database 1040 resides in long-term memory, such as a hard disk or flash memory. The system establishes a link that associates the ad metadata with the related advertisements (illustrated as lines between filtering 1008 and processing 1010). (Plotnick, paragraph [0155], emphasis added.)

[0115] Within the switching office 420 various components are used to provide the VoD service including video servers 422, a switch 424, a video dial tone gateway 426 and the head-end system 428. The video servers 422 provide "local" or "edge" storage capability that allows video that is accessed more frequently to be stored closer to the subscriber than across the network on the remote video server 400 or archive 402. The switch 424 is used to direct traffic to the video dial tone gateway 426 that provides a subscriber interface as well as providing Operational Support Systems (OSS) and Traffic & Billing (T&B) functions. In operation, the video dial tone gateway 426 can present the

Appl. No. 10/718,376

Amdt. Dated June 11, 2007

Reply to Office Action of March 9, 2007

subscriber with a menu for services which can guide the subscriber through the sources for video (content providers) and present the pricing information if the video is being sold on a per-unit basis (as opposed to a subscription service). The video dial tone gateway 426 thus insures that the subscriber can select the appropriate video content, that the content is accessed from the correct video server 400, 422 or the archive 402, that the head-end 428 and the set-top 440 are appropriately configured to transmit and receive the content respectively, and that billing records are created. Although the OSS and T&B systems are not illustrated in FIG. 4, they can be incorporated into the video dial tone gateway 426 or may be a separate systems located in the switching office 420 or elsewhere in the network. (Plotnick, paragraph [0115], emphasis added.)

[0150] FIG. 8 illustrates an exemplary block diagram for the client side STB ad targeting system 600 of FIG. 6. A communications module 804 handles the interactions with the server side ad management system 700, uploading and downloading data as required for system operation. An ad insertion module 812 handles the processes necessary to incorporate targeted ads into television programs, including programs received in real-time or being played from the set-top box's hard disk. The ads may be inserted into the program material at indicated points or "avails" (through cue messages), or inserted before (pre-pended) or after (post-pended) a program. A profiling module 816 analyzes user actions and habits and infers demographic, psychographic, and behavioral characteristics of the viewing household and individual viewers. A maintenance module 808 handles all maintenance of the ad queue and program table. A database module 800 stores information essential to the operation of the ad queuing and profiling system including viewer signatures, ad and program information (metadata), and possibly the ads themselves. A database access module 824 manages all access to the set-top database. The database access module 824 coordinates file system issues, multiple simultaneous requests, etc. (Plotnick, paragraph [0150], emphasis added)

[0164] FIG. 11 illustrates an exemplary data flow in an ad management system designed to deliver targeted advertisements to a PVR-enabled set-top box. This system includes different head-end servers that are used to segment the subscribers, deliver content and metadata to the set-top boxes, collect ad insertion results, and collect privacy protected summary data about the subscriber viewing habits. A remote manager 1100 provides a dynamic method of updating software and data files on the set-top

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

box, including updating the viewer profiling and ad targeting applications. The remote manager 1100 delivers software updates 1102 that include application enhancements, defect corrections, and data file changes. The software updates are processed 1104 and the processed SW updates 1106 are stored in a storage device (SW storage) 1108. The processing 1104 includes accepting new software builds and the associated data files and determining the updates that need to be delivered to each group of set-top boxes based on network service requirements for that franchise and software build information. The updated software and support data files 1106 are maintained on the storage device until it is time to deliver them to the set-top boxes. The software updates 1106 are delivered in accordance with a schedule 1110. The schedule 1110 plans delivery of the updated software 1106 for periods of low television viewership. The software updates 1106 are sent to an STB data server 1112, which transmits the files to the appropriate set-top boxes. (Plotnick, paragraph [0164])

[0169] The traffic and billing system 712 manages the advertising campaign and controls advertising campaigns for broadcast systems, personal video recorders, and video on demand. The sales force enters requirements for viewership ratings, frequency of viewership by the target audience, and flight information, which indicates the networks and times for displaying the advertisement (ad campaign data 1152). Based on the defined ad campaign data 1152 and the market segment data 1143 from the market segment database 1136 an ad queue and schedule is created 1154. Based on the ad schedule 1154, ad download instructions 1156 are transmitted to the ad server 716. The ad server 716 determines the availability of the ads (ad availability information 1158) identified in the download instructions 1156. The ad server 716 transmits available ads and ad metadata to set-top boxes based on the ad schedule 1154. If the ads are displayed to the subscriber, the STB data server 1112 generates an ad play report 1160. The ad availability information 1158 and the ad play reports 1160 are formatted 1162 to create reports/logs 1164 that are forwarded to the T&B system 712. The traffic and billing system 712 bills the advertiser based on requirements satisfied during the campaign. (Plotnick, paragraph [0169], emphasis added.)

As seen from the above excerpts, Plotnick merely discloses control data related to ads (ad metadata) 1006 (Plotnick, paragraph [0154], lines 9-11), not multimedia asset data file being delivered to end users when requested. Plotnick specifically teaches that ad metadata is

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

associated with the related advertisements (Plotnick, paragraph [0155], lines 10-11). In contrast, the claimed invention provides for receiving metadata associated with a multimedia asset data file. The multimedia asset data file is feature content such as a feature file (e.g., movie), a preview file, a graphics file, etc. These files are delivered to the end users as requested. Advertisements are not feature files requested by the end users. To clarify this aspect of the invention, claim 1 has been amended.

In addition, Plotnick merely discloses a video dial tone gateway 426 can present the subscriber with a menu for services which can guide the subscriber through the sources for video (content providers) (Plotnick, paragraph [0115], lines 12-14), not a content provider providing the metadata associated with a multimedia asset data file. Guiding the subscriber through the sources for video merely allows the subscriber to find out who provides the video. In contrast, the claimed invention provides for receiving the metadata and the multimedia asset data file. Receiving is a specific and active act of receiving the metadata while guiding the subscriber through the sources does not indicate a transmission of metadata and/or multimedia asset data file to a receiving end being taking place.

Furthermore, Plotnick merely discloses a communications module 804 handles the interactions with the server side ad management system 700, uploading and downloading data as required for system operation (Plotnick, paragraph [0150], lines 2-5), not coordinating delivering. The uploading and downloading of data in Plotnick's system merely refers to incorporate targeted ads into television programs (Plotnick, paragraph [0150], lines 5-7). In contrast, the claimed invention provides for coordinating delivering the multimedia asset data file and associated metadata to a VOD server maintained by the MSO. To clarify this aspect of the invention, claim 1 has been amended.

Moreover, Plotnick merely discloses a traffic and billing system 712 manages the advertising campaign and controls advertising campaigns for broadcast systems, personal video recorders, and video on demand (Plotnick, paragraph [0169], lines 1-4). Managing the advertising campaigns does not provide usage reports relating to usage of multimedia asset data files by end users of the MSO. As discussed above, an advertisement is not a multimedia asset data file requested by an end user. Furthermore, viewership ratings, frequency of viewership by the target audience, or advertisement availability does not relate to usage.

Appl. No. 10/718,376

Amdt. Dated June 11, 2007

Reply to Office Action of March 9, 2007

Lafer merely discloses producing multimedia assets, storing multimedia asset data files and identifying information, and categorizing the multimedia asset data files (Lafer, col. 2, lines 3-12). The AMPS provides a set of tools for managing multimedia assets (Lafer, col. 5, lines 40-43). These functions include: library of assets, asset search engine, asset converters, backup and recovery, archiving, application configuration and installation (Lafer, col. 5, lines 64-67; col. 6, lines 1-6). None of these functions is related to coordinating uploading the multimedia asset data file. Furthermore, the AMPS asset tracking functions merely records the assets authored into each composite (Lafer, col. 6, lines 42-43), not tracking the uploading.

The Examiner cited several excerpts in Lafer to support his contention. But none of these excerpts is related to coordinating uploading, scheduling the uploading, or tracking the uploading. For example, Lafer at col. 7, lines 53-56, merely discloses an asset concept is a reference to a media asset with the precision that allows one to describe the content, copyright, length, sequence, planned usage, etc. (Lafer, col. 7, lines 53-56); Lafer at col. 9, lines 65-67 merely discloses a preloader looks at the composite and loads the next composites based on the transitions defined in the composite that is playing (Lafer, col. 9, lines 65-67). A definition of an asset concept has nothing to do with the action of scheduling the uploading. Loading the next composite merely copies the composite into a memory, which is not related to tracking uploading the asset to a server. Tracking here involves following, observing, monitoring, pursuing, etc., whereas loading merely involves copying or transferring., which has nothing to do with tracking the uploading. For ease of reference, the above excerpts are copied below.

The ISIS Asset Management and Production System (AMPS) 218 provides a set of tools for managing multimedia assets 230 and ISIS applications. AMPS 218 provides multimedia title developers with an easy and convenient way to catalog assets, perform keyword searches on assets, archive assets and publish applications. AMPS 218 moves applications and assets from development environments to the deployment environment. (Lafer, col. 5, lines 41-48)

The preloader provides the ISIS runtime 234 with an overall memory management and caching scheme whose purpose is to improve performance and to hide latency. When an application starts and the player invokes the first composite, the preloader retrieves all of the files necessary to play the composite. It then looks at the composite and loads the "next" composites based on

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

the transitions defined in the composite that is playing. (Lafer, col. 9, lines 60-67)

An asset concept represents the essence of a media asset--a group of asset comparables, all derived from the same source asset, which differ only by subtle artistic variation (e.g. brightness, tint, contrast, high-end clipping). It is a reference to a media asset with the precision that allows one to describe the content, copyright, length, sequence, planned usage, etc., but not the specific artistic version nor the physical format and properties. (Lafer, col. 7, lines 49-56).

Both terminals, Time Warner and 3DO, are capable of receiving digital full-motion video, animation, graphics and audio data. (Lafer, col. 3, lines 11-13)

The AMPS asset tracking function records the assets authored into each composite. This provides the low level configuration information needed to: validate copyrights for an application, correctly install a composite and its assets on a deployment platform and perform impact analysis when assets need to be changed or removed from the database. (Lafer, col. 6, lines 43-48)

The method further includes the step of storing identifying information associated with each multimedia asset data file. The method concludes with the step of generating a set of multimedia application asset files based on the steps of categorizing and storing. (Lafer, col. 2, lines 7-11)

As seen from the above excerpts, Lafer merely discloses identifying information associated with each multimedia asset data file (Lafer, col. 2, lines 7-11), not metadata associated with a multimedia asset data file. Identifying information merely identifies the multimedia asset data file. In contrast, metadata associated with the multimedia asset data file include data that characterize the asset data file such as name, description, the MSOs scheduled to receive the file, target ship date, actual ship date, and delivery method, etc. (See, for example, Specification, page 11, lines 15-22.).

In addition, Lafer merely discloses a tracking function that records the assets authored into each composite (Lafer, col. 6, lines 42-43), not tracking distributing the multimedia asset data file from the content provider to the MSO, or tracking uploading the multimedia asset data

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

file from the MSO to the VOD server. Lafer's tracking function merely provides the low level configuration information needed to: validate copyrights for an application, correctly install a composite and its assets on a deployment platform and perform impact analysis when assets need to be changed or removed from the database. (Lafer, col. 6, lines 43-48). None of these is related to distributing the multimedia asset data file or uploading the multimedia asset data file to a VOD server. Validating copyrights, installing a composite, or performing impact analysis does not distribute or upload a multimedia asset data file.

The Examiner further contends that Roop teaches the use of multiple service operator (MSO), citing Roop, col. 67, lines 62-63, and col. 44, lines 55-57 (Office Action, page 10, paragraph number 11). Applicants respectfully disagree. For ease of reference, the above excerpts are copied below.

"If cable, this may be a system operated by a Multiple System Operator (MSO). If so, give the name commonly used in the community to identify this cable system. If satellite, give the usual letter/number combination used to refer to this satellite, such as G3 for Galaxy 3." (Roop, col. 67, lines 62-67.)

"The Channel Data is maintained in the Internal Database Engine data structure called the Channel Data table. The Channel Data Table selects the channels accessed by a Region." (Roop, col. 44, lines 55-57.)

As seen from the above excerpts, Roop merely discloses a television program schedule having an RG record that contains a field identifying an MSO (Roop, col. 67, lines 60-67; col. 68, lines 1-5), not metadata provided by an MSO, or a video server maintained by an MSO. Having a record that contains an MSO name does not coordinate delivering, track distributing, or track uploading. A name in a record is a static entity, not an action. The excerpt at col. 44, lines 55-57 merely discloses the Channel Data is maintained in the Internal Database Engine data structure, which has nothing to do with an MSO because a data structure is a computer implemented storage, not an entity, a business, or an organization like an MSO.

In rejecting independent claim 20, the Examiner further contends that Lafer and Plotnick disclose receiving the plurality of multimedia asset data files, a plurality of content providers, receiving the metadata, and associated with the multimedia asset data files (Office Action, page

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

11, paragraph 11). However, neither Lafer nor Plotnick discloses the claimed invention for the same reasons as discussed above.

In rejecting claim 21, the Examiner contends that Lafer discloses validating the multimedia asset data files, citing Lafer, col. 6, lines 43-47 and col. 2, lines 7-11. However, as seen from the above excerpt, Lafer merely discloses validate copyrights for an application, not validating the multimedia asset data files. The Examiner further contends that Plotnick discloses "by determining if the received multimedia asset data files comply with business rules, citing Plotnick, paragraph [0155], Lafer (col. 2, lines 7-11), and Plotnick, paragraph [0182]. Applicant notes that the Examiner cites these excerpts in isolated sentences or paragraphs out of context. Furthermore, none of these excerpts is related to the claimed invention.

FIGS. 13A-C illustrate several exemplary embodiments associated with an alternative advertisement 1300 being derived from the advertisement 1230 by utilizing processing rules 1310. FIG. 13A illustrates an embodiment where the video source 1200 transmits the video stream 1210 including programming 1220 and both the advertisement 1230 (default or targeted) and the processing rules 1310 (i.e., data file) to the PVR 1250. The processing rules 1310 will be described in more detail later. The PVR 1250 may include an alternative ad generator 1320 that generates the alternative ad 1300 by applying the processing rules 1310 to the advertisement 1230. Based on whether the subscriber 1260 is fast forwarding 1280 through the advertisement 1230 or playing the advertisement 1230 at regular speed 1270 determines whether the alternative advertisement 1300 (either alone or in conjunction with the fast forwarding advertisement 1230) or the advertisement 1230 is displayed to the subscriber 1260. (Plotnick, paragraph [0182])

As clearly seen from the above excerpt, Plotnick merely discloses "the processing rules", not the business rules provided by the MSO. These processing rules are applied to the advertisement 1230, not to the multimedia asset data file. Plotnick specifically discloses that "the processing rules 1310 may actually consist of multiple sets of processing rules 1310 with each set describing a different way to modify the advertisement 1230." (Plotnick, paragraph [0185], lines 1-4). Modifying the advertisement 1230 is not a business rule. The business rules are those rules provided by the associated MSO which may include rating filters, pricing rules, category rules, platform conversion rules, EPG data, etc.

2. Claim 3:

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

The Examiner rejected claim 3 under 35 U.S.C. §103(a) as being unpatentable over Plotnick, Lafer, and Roop as applied to claim 1 above, and further in view of van Zee (Final Office Action, page 12, paragraph number 22).

Plotnick, Lafer, and Roop are discussed above.

van Zee discloses a validation and audit of E-media delivery. Checksum values are validated and the appliance receiving the e-media sends back a unique token to the digital content delivery service confirming that the delivery was complete (van Zee, col. 9, lines 7-10).

As discussed above, none of Plotnick, Lafer, and Roop discloses or renders obvious any elements recited in claim 1 from which claim 3 depends. Accordingly, a combination of any combination of Plotnick, Lafer, and Roop with any other references in rejecting claim 3 is improper.

Furthermore, van Zee merely discloses confirming delivery of electronic media is complete using checksum values, not using the basic metadata associated with the multimedia asset data file. The checksum values refer to the values computed as the sum of the binary data used purpose of error detection and data integrity checking. In contrast, the claim 3 recites confirming delivery using information contained in the basic metadata associated with the multimedia asset data file.

3. Claims 6 and 7:

The Examiner rejected claims 6 and 7 under 35 U.S.C. §103(a) as being unpatentable over Plotnick, Lafer, and Roop as applied to claim 1 above, and further in view of Hoffberg (Office Action, page 20, paragraph number 13).

Plotnick, Lafer, and Roop are discussed above.

Hoffberg discloses an intelligent electronic appliance system and method. An adaptive user interface changes in response to the context, past history, and status of a system (Hoffberg, col. 110, lines 55-56). A metadata stream associated with a content and data relating to the use of consumption of the content is used to determine or update the user profile (Hoffberg, col. 131, lines 61-67). A set top box may integrate functions desired by the content provider or network operator such as video-on-demand, pay per view accounting (Hoffberg, col. 220, lines 34-38). The set top box may store the media or present it in real time, subject to the application of access rules and conditions (Hoffberg, col. 220, lines 49-51).

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

As discussed above, none of Plotnick, Lafer, and Roop discloses or renders obvious any elements recited in claim 1 from which claim 6 and 7 depend. Accordingly, a combination of any combination of Plotnick, Lafer, and Roop with any other references in rejecting claims 6 and 7 is improper.

Furthermore, Hoffberg merely discloses a portable human interface system with data from a Web server which may include a binary file, a generic HTML/XML file, or other data type (Hoffberg, col. 111, lines 52-54). The HTML/XML file merely contains the parameters specific to the client or user (Hoffberg, col. 111, lines 54-56), not used for multimedia asset data file and including distribution information, scheduling information, content information, etc., as recited in claim 6.

4. Claim 8:

The Examiner rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Plotnick, Lafer, and Roop as applied to claim 1 above, and further in view of Hoffberg and N2Broadband (Office Action, page 22, paragraph 14).

Plotnick, Lafer, Roop, and Hoffberg are discussed above.

N2Broadband discloses the MediaPath™ catcher as a multimedia-caching appliance designed for broadcast quality video applications and the MediaPath™ Pitcher to provide a unicast and multicast delivery mechanism utilizing industry-standard IP and Pragmatic Generic Multicast protocols.

As discussed above, none of Plotnick, Lafer, Roop, and Hoffberg discloses or renders obvious any elements recited in claim 1 from which claim 8 depends. Accordingly, a combination of any combination of Plotnick, Lafer, Roop, and Hoffberg with any other references in rejecting claim 8 is improper.

Furthermore, N2Broadband merely discloses a catcher to notify and deliver the package directly to an authorized video server, not to track receipt of the elements of the multimedia asset data file, as recited in claim 8. Similarly, N2Broadband merely discloses a pitcher configured to deliver content via any IP, not to track transmission of the elements of the multimedia asset data file, as recited in claim 8.

5. Claims 9-11, and 14:

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

The Examiner rejected claims 9-11, and 14 under 35 U.S.C. §103(a) as being unpatentable over Plotnick, Lafer, and Roop as applied to claim 1 above, and further in view of N2Broadband (Office Action, page 25, paragraph 15).

Plotnick, Lafer, Roop, and N2Broadband are discussed above.

As discussed above, none of Plotnick, Lafer, and Roop, discloses or renders obvious any elements recited in claim 1 from which claims 9-11, and 14 depend. Accordingly, a combination of any combination of Plotnick, Lafer, and Roop with any other references in rejecting claims 9-11, and 14 is improper.

Furthermore, as discussed above, N2Broadband merely discloses a catcher to notify and deliver the package directly to an authorized video server, not to provide instructions for the VOD server to request the multimedia asset data file from a catcher, as recited in claim 9. Moreover, none of discloses or renders obvious tracking retrieval by initiating file transfers using an asset locator.

6. Claims 12 and 13:

The Examiner rejected claims 12 and 13 under 35 U.S.C. §103(a) as being unpatentable over Plotnick, Lafer, and Roop and N2Broadband as applied to claim 11 above, and further in view of Hoffberg (Office Action, page 28, paragraph number 16).

Plotnick, Lafer, Roop, Hoffberg, and N2Broadband are discussed above.

As discussed above, none of Plotnick, Lafer, Roop, and N2Broadband discloses or renders obvious any elements recited in claims 1 and 11 from which claims 12 and 13 depend. Accordingly, a combination of any combination of Plotnick, Lafer, Roop, and N2Broadband with any other references in rejecting claims 12 and 13 is improper.

Furthermore, Hoffberg merely discloses an alarm transmitting a signal to a user's beeper as part of a smart house interface (Hoffberg, col. 189, lines 53-56; col. 191, lines 14-16), not an alarm from a VOD server if the element was not properly received.

7. Claims 25-27, 31, and 32:

The Examiner rejected claims 25-27, 31, and 32 under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2003/0028890 issued to Swart et al. ("Swart") in view of U.S. Publication No. 2001/0025255 issued to Gaudian ("Gaudian"), and further in view of Roop (Office Action, page 30, paragraph number 17).

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

Swart discloses a video and digital multimedia acquisition and delivery system. Data transferred between a communication server and a content delivery system includes content format metadata and content size and duration metadata (Swart, paragraph [0109]). User profile and history data may be uploaded using Internet connection (Swart, paragraph [0116]).

Gaudian discloses an Internet multi-media exchange. An ingestor offers each branded site an opportunity to authorize specific content providers and allow them to upload digital content files along with the associated metadata tags into their respective sites (Gaudian, paragraph [0017]).

Roop is discussed above.

Swart, Gaudian, and Roop, taken alone or in any combination, do not disclose or render obvious, at least one of: (1) ingesting content and metadata associated with the content provided by a content provider; (2) coordinating distribution of the metadata and the content; and (3) coordinating uploading the metadata and the content to a server for delivery to an end user according to scheduling and business rules provided by a multiple service or systems operator (MSO).

The Examiner recites Swart, paragraph [0116] to support his contention. However, paragraph [0116] merely discloses one or more user data transceivers 285 that comprise software and/or hardware modules that may transmit and receive data other than content data to and from the aggregator 201 and the user terminal 202 (Swart, paragraph [106], emphasis added). These data may include search requests, content download requests, notification prompts, user profile data, etc., but not the metadata or the content.

Furthermore, Swart merely discloses a communication server 250 communicating with the content delivery system 460 to coordinate transfer of content data for delivery to one or more user terminals (Swart, paragraph [0109]), not coordinating uploading the metadata and the content to a server for delivery to an end user according to scheduling and business rules provided by a multiple service or systems operator (MSO). Swart does not disclose scheduling or business rules provided by a MSO.

Gaudian merely discloses an ingestor to authorize content providers to upload digital content files into their respective sites, not for delivery to an end user.

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

Roop merely discloses a television program schedule having an RG record that contains a field identifying an MSO (Roop, col. 67, lines 60-67; col. 68, lines 1-5). Having a record that contains an MSO name does not coordinate delivering, track distributing, or track uploading.

8. Claims 28-29:

The Examiner rejected claims 28-29 under 35 U.S.C. §103(a) as being unpatentable over Swart, Gaudian, and Roop as applied to claim 25 above, and further in view of U.S. Publication No. 2003/0115454 issued to Piikivi et al. ("Piikivi") (Office Action, page 32, paragraph number 18).

Swart, Gaudian, and Roop are discussed above.

Piikivi discloses an identification of a data entity. A user equipment is provided with a unique identifier so that the origin of the data content may be reliably determined (Piikivi, paragraph [0035]).

As discussed above, none of Swart, Gaudian, and Roop discloses or renders obvious any elements recited in claim 25 from which claims 28-29 depend. Accordingly, a combination of Swart, Gaudian, and Roop with any other references in rejecting claims 28-29 is improper.

Furthermore, Piikivi merely disclose providing a unique identifier with the user equipment, not the content. The IMEI is assigned for the mobile station, not for the message or the content it transmits. In contrast, claim 28 recites the provider identifier for the content provider and a globally unique identifier for the content, not the equipment.

In rejecting claim 29, the Examiner cites Swart, paragraphs [0117] and [0075] to support his contention (Office Action, page 33). However, paragraph [0117] merely discloses instructions and parameters for production of physical content media, or shipping organizations. Paragraph [0075] merely discloses non-linear playback, or simple GUIs. None of these is related to business rules. Business rules include rating filters, pricing rules, category rules, etc. which are the rules concerning the business aspects of the multimedia asset data files, not the production or playback aspects.

Furthermore, as discussed above, Roop merely discloses a television program schedule having an RG record that contains a field identifying an MSO (Roop, col. 67, lines 60-67; col. 68, lines 1-5). Having a record that contains an MSO name does not receive business rules. A name in a record is a static entity, not an action.

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

9. Claim 30:

The Examiner rejected claim 30 under 35 U.S.C. §103(a) as being unpatentable over Swart, Gaudian and Roop as applied to claim 25 above, and further in view of U.S. Patent No. 5,710,887 issued to Chelliah and Skidmore (Final Office Action, page 26, paragraph number 40). Applicants note that the paragraph number is mistyped.

Swart, Gaudian, and Roop are discussed above.

Chelliah discloses a computer system and method for electronic commerce. A sale representative 114 obtains pricing information from the incentives subsystem to get pricing rules (Chelliah, col. 12, lines 44-50).

Skidmore discloses a computer program analyzer for adapting computer programs to different architectures. To convert OS/3 source code to 64 MB platform, knowledge of the 64 MB conversion requirements is needed (Skidmore, col. 4, lines 13-16).

As discussed above, none of Swart, Gaudian, and Roop discloses or renders obvious any elements recited in claims 25 and 29 from which claim 30 depends. Accordingly, a combination of Swart, Gaudian, and Roop with any other references in rejecting claim 30 is improper.

Furthermore, Chelliah merely discloses pricing rules in an electronic store transaction, not a content delivery system involving multimedia asset data files. An electronic store transaction does not involve delivery and distribution of content and associated metadata. Accordingly, there cannot be business rules including pricing rules in Chelliah's system. Moreover, Skidmore merely discloses conversion an OS/3 source code to 64 MB platform, not a platform conversion rule as part of a business rule for multimedia asset data files. The conversion as taught by Chelliah is merely related to converting a software package in to compatible with a 64 MB platform, not a business rule to govern the business aspects of the distribution and delivery of multimedia asset files.

10. Claims 33 and 35:

The Examiner rejected claims 33 and 35 under 35 U.S.C. §103(a) as being unpatentable over Swart and Gaudian as applied to claim 25 above, and further in view of Roop and N2Broadband (Office Action, page 36, paragraph number 20).

Swart, Gaudian, Roop, and N2Broadband are discussed above.

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

As discussed above, neither Swart nor Gaudian discloses or renders obvious any elements recited in claims 25 from which claims 33 and 35 depend. Accordingly, a combination of Swart and Gaudian with any other references in rejecting claims 33 and 35 is improper.

Furthermore, as discussed above, Roop merely discloses a television program schedule having an RG record that contains a field identifying an MSO (Roop, col. 67, lines 60-67; col. 68, lines 1-5). Having a record that contains an MSO name does not facilitate delivery of the content to an MSO. A name in a record is a static entity, not an action.

Moreover, N2Broadband merely discloses a catcher to notify and deliver the package directly to an authorized video server, not to interact with an asset distribution system (ADS) to facilitate delivery of the content from a content provider to the MSO, the ADS including a pitcher and a catcher, as recited in claim 33, or retrieving an element of the content from a catcher using the asset locator, as recited in claim 35. Similarly, N2Broadband merely discloses a pitcher configured to deliver content via any IP, not to interact with an asset distribution system as recited in claim 33, or retrieving an element of the content from a catcher using the asset locator, as recited in claim 35.

11. Claims 34, 36, and 37:

The Examiner rejected claims 34, 36, and 37 under 35 U.S.C. §103(a) as being unpatentable over Swart, Gaudian, Roop, and N2Broadband as applied to the claims above, and further in view of Hoffberg (Office Action, page 39, paragraph number 21).

Swart, Gaudian, Roop, N2Broadband, and Hoffberg are discussed above.

As discussed above, none of Swart, Gaudian, Roop, and N2Broadband discloses or renders obvious any elements recited in claims 25, 33, and 35 from which claims 34, 36, and 37 depend. Accordingly, a combination of Swart, Gaudian, Roop, and N2Broadband with any other references in rejecting claims 34, 36, and 37 is improper.

Furthermore, Hoffberg merely discloses an alarm transmitting a signal to a user's beeper as part of a smart house interface (Hoffberg, col. 189, lines 53-56; col. 191, lines 14-16), not requesting retransmission if an alarm is received from the catcher.

12. Claims 38-40:

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

The Examiner rejected claims 38-40 under 35 U.S.C. §103(a) as being unpatentable over Swart and Gaudian as applied to claim 26 above, and further in view of Roop and Plotnick (Office Action, page 42, paragraph number 22).

Swart, Gaudian, Roop, and Plotnick are discussed above.

As discussed above, neither Swart nor Gaudian discloses or renders obvious any elements recited in claims 25 and 26 from which claims 38-40 depend. Accordingly, a combination of Swart and Gaudian with any other references in rejecting claims 38-40 is improper.

Furthermore, as discussed above, Roop merely discloses a television program schedule having an RG record that contains a field identifying an MSO (Roop, col. 67, lines 60-67; col. 68, lines 1-5). Having a record that contains an MSO name does not provide access to a usage report to a MSO. A name in a record is a static entity, not an action.

Moreover, Plotnick merely discloses ad play reports to create reports/logs (Plotnick, paragraph[0169]), not a usage report. A usage report may include a listing of the multimedia content that has been licensed, the estimated time for delivery, the amount storage, etc. These data are not related to the ad reports.

13. Claims 41-43 and 46-48:

The Examiner rejected claims 41-43 and 46-48 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,047,287 issued to Sim et al. ("Sim"), Swart in view of Gaudian, and further in view of Roop (Office Action, page 44, paragraph number 23).

Swart, Gaudian, and Roop are discussed above.

Sim discloses a method and apparatus for automatically adapting a node in a network. A load balancer's network interface serves as a virtual external interface for a server cluster (Sim, col. 6, lines 59-61). A file metadata holds file metadata related to block files (Sim, col. 37, lines 63-65).

Sim merely discloses a load balancer to distribute a network load to a cluster of servers, not a content management system, as recited in the pre-amble of claim 41. Furthermore, Sim's virtual network interface is merely used for the server cluster, not to an application client. Moreover, Sim merely discloses distributing large files throughout a computer network and delivering such files to an end-user system (Sim, col. 8, lines 42-44), not distributing metadata and content.

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

Furthermore, Swart merely discloses a communication server 250 communicating with the content delivery system 460 to coordinate transfer of content data for delivery to one or more user terminals (Swart, paragraph [0109]), not coordinating uploading the metadata and the content to a server for delivery to an end user according to scheduling and business rules provided by a multiple service or systems operator (MSO). To clarify this aspect of the invention, claim 41 has been amended.

Guadian merely discloses an ingestor to authorize content providers to upload digital content files into their respective sites, not for delivery to an end user.

Furthermore, as discussed above, Roop merely discloses a television program schedule having an RG record that contains a field identifying an MSO (Roop, col. 67, lines 60-67; col. 68, lines 1-5). Having a record that contains an MSO name does not manage business rules associated with the content where the business rules are provided by a MSO. A name in a record is a static entity, not an action.

14. Claims 44, 45, 49, and 50:

The Examiner rejected claims 44, 45, 49, and 50 under 35 U.S.C. §103(a) as being unpatentable over Sim, Swart, Gaudian and Roop as applied to the claims above, and further in view of N2Broadband (Office Action, page 50, paragraph number 24).

Sim, Swart, Gaudian, Roop, and N2Broadband are discussed above.

As discussed above, none of Sim, Swart, Gaudian, and Roop discloses any of the elements recited in claims 41 and 43 from which claims 44, 45, 49, and 50 depend. Accordingly, a combination of Sim, Swart, Gaudian, and Roop with any other reference in rejecting claims 44, 45, 49, and 50 is improper.

Furthermore, N2Broadband merely discloses a catcher to notify and deliver the package directly to an authorized video server or a pitcher configured to deliver content via any IP, not receiving a confirmation call from one of a pitcher and a catcher regarding status of transfer of an element, as recited in claim 44.

15. Claims 51-54:

The Examiner rejected claims 51-54 under 35 U.S.C. §103(a) as being unpatentable over Sim, Swart, and Gaudian as applied to claim 46 above, and further in view of Roop and N2Broadband (Office Action, page 53, paragraph number 25).

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

Sim, Swart, Gaudian, Roop, and N2Broadband are discussed above.

As discussed above, none of Sim, Swart, and Gaudian discloses any of the elements recited in claim 46 from which claims 51-54 depend. Accordingly, a combination of Sim, Swart, and Gaudian with any other reference in rejecting claims 51-54 is improper.

Furthermore, as discussed above, Roop merely discloses a television program schedule having an RG record that contains a field identifying an MSO (Roop, col. 67, lines 60-67; col. 68, lines 1-5). Having a record that contains an MSO name does not transmit the content and the metadata to a MSO, as recited in claim 51. A name in a record is a static entity, not an action.

Moreover, N2Broadband merely discloses a catcher to notify and deliver the package directly to an authorized video server, not to receive transmission from the pitcher via a downlink channel, as recited in claim 51. Similarly, N2Broadband merely discloses a pitcher configured to deliver content via any IP, not to transmit the content and the metadata to a MSO via a distribution channel, as recited in claim 51.

18. Claim 55:

The Examiner rejected claims 55 under 35 U.S.C. §103(a) as being unpatentable over Sim, Swart, and Gaudian as applied to claim 46 above, and further in view of Hoffberg (Office Action, page 55, paragraph number 26).

Sim, Swart, Gaudian, and Hoffberg are discussed above.

As discussed above, none of Sim, Swart, and Gaudian discloses any of the elements recited in claim 46 from which claim 55 depends. Accordingly, a combination of Sim, Swart, and Gaudian with any other reference in rejecting claims 55 is improper.

Furthermore, Hoffberg merely discloses a set top box may integrate functions desired by the content provider or network operator such as video-on-demand, pay per view accounting (Hoffberg, col. 220, lines 34-38), not a distribution network distribute a content the content being one of a video-on-demand (VOD) content, an asset data file, a broadband content, and a network content. Among other things, a set top box is not a distribution network.

In summary, the Examiner rejected claims 1-55 under 103(a) using various combinations of the above references with other references. However, none of these references discloses or renders obvious the combinations. In general, the Examiner cited excerpts in the references out

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

of context. In most cases, these excerpts merely contain the words or phrases in the claims, but do not capture the essence of the invention as a whole.

The Examiner failed to establish the factual inquires in the three-pronged test as required by the *Graham* factual inquires. There are significant differences between Plotnick, Lafer, Roop, van Zee, Hoffberg, N2Broadband, Swart, Gaudian, Piikivi, Chelliah, Skidmore, and Sim and the claimed invention as discussed above. Furthermore, the Examiner has not made an explicit analysis on the apparent reason to combine the known elements in the fashion in the claimed invention, as required by the Supreme Court in *KSR International Co. vs. Teleflex, Inc.* None of the cited references disclose known elements. Among other things, Plotnick merely discloses control data related to ads (ad metadata), not multimedia asset data file being delivered to end users when requested; Lafer merely discloses a tracking function that records the assets authored into each composite, not tracking distributing the multimedia asset data file from the content provider to the MSO, or tracking uploading the multimedia asset data file from the MSO to the VOD server; Roop merely discloses a television program schedule having an RG record that contains a field identifying an MSO, not metadata provided by an MSO, or a video server maintained by an MSO; Swart merely discloses a communication server 250 communicating with the content delivery system 460 to coordinate transfer of content data for delivery to one or more user terminals, not coordinating uploading the metadata and the content to a server for delivery to an end user according to scheduling and business rules provided by a multiple service or systems operator (MSO). Accordingly, there is no apparent reason to combine the teachings of Plotnick, Swart, and the teachings of any one of Lafer, Roop, van Zee, Hoffberg, N2Broadband, Gaudian, Piikivi, Chelliah, Skidmore, and Sim.

In summary, Plotnick, Lafer, Roop, van Zee, Hoffberg, N2Broadband, Swart, Gaudian, Piikivi, Chelliah, Skidmore, and Sim, taken alone or in any combination, do not disclose or render obvious any one of the claims 1-55. There is no motivation to combine Plotnick, Lafer, Roop, van Zee, Hoffberg, N2Broadband, Swart, Gaudian, Piikivi, Chelliah, Skidmore, and Sim in any combination because none of them addresses the problem of Video-on-demand management system. Among other things, there is no teaching that validating multimedia asset data files, coordinating distributing or tracking distributing and tracking uploading the metadata

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

and the content is present. For the above reasons, the rejections under 35 U.S.C. §103(a) are improperly made.

In the present invention, the cited references do not expressly or implicitly disclose or render obvious any of the above elements in the claims. In addition, the Examiner failed to present a convincing line of reasoning as to why any combination of Plotnick, Lafer, Roop, van Zee, Hoffberg, N2Broadband, Swart, Gaudian, Piikivi, Chelliah, Skidmore, and Sim is an obvious application of VOD management system having coordinating distributing to a VOD server maintained by a MSO.

Therefore, Applicants believe that independent claims 1, 20, 25, 41, and 46 and their respective dependent claims are distinguishable over the cited prior art references. Accordingly, Applicants respectfully request the rejections under 35 U.S.C. §103(a) be withdrawn.

Appl. No. 10/718,376
Amdt. Dated June 11, 2007
Reply to Office Action of March 9, 2007

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: June 11, 2007

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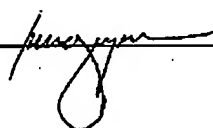
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